REMARKS/ARGUMENTS

After the foregoing Amendment, claims 39-44 are currently pending in this application.

Claim Rejections - 35 USC §103

Claims 39 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over International Publication No. WO 02/065667 to Wilenegger et al. (hereinafter Willeneger), in view of U.S. Patent No. 6,400,960 to Dominique et al. (hereinafter Dominique), and further in view of U.S. Patent No. 6,711,150 to Vanghi (hereinafter Vanghi).

The Examiner has indicated that Dominique discloses deriving a target power metric for a given channel based on the target power metric of another channel. The Examiner, though, has misunderstood Dominique and what is being disclosed by Applicants. Applicants disclose a serving WTRU for implementing transmission power control for other WTRUs including a processor for computing uplink dedicated channel target metrics based on the received uplink user data on the uplink dedicated channel associated with the uplink shared channel used by the other WTRU and a shared channel target metric generator configured to output a respective uplink shared channel target metric derived from each computed uplink

dedicated channel target metric for use in computing uplink channel power adjustments by the other WTRU. Dominique does not disclose such a system.

Dominique discloses a system wherein power threshold levels for a primary channel and associated secondary channel are established from power threshold information received by the user equipment over the primary channel. As explained in Dominique, column 7, lines 56-67, which reads in part:

> [The power thresholds for the primary channel and the secondary channel] are established from (1) power level measurement information for primary channel 202 and secondary channel 220, respectively, received by user equipment 200 and (2) an FER deemed acceptable by user equipment 200 for the service provider. For example, for secondary channel 220, S(k) is established to be 5 dB because user equipment 200 has received information from the base stations (over primary channel 202) indicating that the average power level of signals having an acceptable FER which are received over secondary channel 120 is 4.8 dB. User equipment 200 can thus establish S(k) to be slightly higher than 4.8 dB (say 5 dB) to maintain or obtain the acceptable FER.

As clearly indicated in the portion cited above, Dominique discloses a UE establishing a power threshold level for the primary channel and the secondary channel. Dominique does not disclose a serving WTRU for implementing transmission power control for other WTRUs including a processor for computing uplink DCH target metrics based on the received uplink user data on the uplink dedicated channel associated with the uplink shared channel used by the other WTRU and a shared channel target metric generator configured to output a

respective uplink shared channel target metric derived from each computed uplink dedicated channel target metric for use in computing uplink channel power adjustments by the other WTRU. Dominique merely discloses the calculation of a power threshold by a UE using threshold information, i.e., the average power level of signals having an acceptable FER which are received over secondary channel, received over the primary channel. The Examiner has apparently equated Applicants' target power metric with Dominique's derivation of a threshold value for each of the primary and secondary channels associated with the UE. The Dominique power threshold does not suggest or teach Applicants' uplink DCH target metrics based on user data on the uplink DCH assocated with the uplink SCH used by the other WTRU to output a respective uplink SCH target metric derived from each computed uplink DCH target metric for use in computing uplink channel power adjustments by the other WTRU.

The Examiner has specifically cited column 8, lines 44-58 as disclosing Applicants' claimed method and apparatus. According to this portion of Dominique cited by the Examiner, the user equipment calculates an updated power threshold for the secondary channel based on the previous power thresholds from the primary and secondary channel, and the current power threshold of the primary channel. Again, this portion of Dominique does not suggest or teach Applicants' shared channel metric generator configured to output a respective uplink shared target

metric derived from each computed uplink DCH target metric for use in computing uplink channel power adjustments by the other WTRU. There is no disclosure in Dominique regarding the derivation of a target metric for the shared channel of another WTRU from a computed uplink dedicated channel target metric for the other WTRU to compute uplink channel power adjustments by the other WTRU.

As the Examiner again admits, Willenegger does not disclose Applicants' claimed method and apparatus. Accordingly, neither Dominique nor Willenegger, alone or in combination with one another, disclose Applicants' method and apparatus as claimed in claims 39-44. Based on the arguments presented above, withdrawal of the §103 rejection is respectfully requested.

Based on the arguments presented above, withdrawal of the §103 rejection is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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